IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.59804-M of 2006(O&M)

DATE OF DECISION: NOVEMBER 6, 2006

Veenita

...PETITIONER

VERSUS

The State of Haryana and others

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.K.S.Saini , Advocate,
for the petitioner.
Mr.S.S.Mor, Sr.DAG, Haryana.

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Petitioner Veenita wife of Parveen Kumar-respondent No.2 has filed this petition under Section 482 Cr.P.C. for quashing the proceedings and search warrants (Annexure P-3) issued by the City Magistrate, Sonepat under Section 97 of the Code of Criminal Procedure (hereinafter referred to as `the Code').

It is the case of the petitioner that she was married with respondent No.2 on 26.1.2006. Thereafter, because of misbehaviour of respondent No.2, she had left the matrimonial home and started living at Chandigarh where she is employed. It is further the stand of the petitioner that she is living at Chandigarh on her free will without any pressure of anybody.

The husband of the petitioner moved an application under Section 97 of the Code for search of the petitioner alleging therein that she is in illegal confinement of her parents at Narwana. It is the case of the petitioner that with an object to cause harassment to the petitioner, the

aforesaid proceedings were mala fidely initiated by her husband to procure her presence in Sonepat. It is further the case of the petitioner that she is not willing to reside with her husband as he had already filed a divorce petition on various grounds.

Pursuant to the notice, a reply has been filed on behalf of respondent No.1. The same is taken on record. Counsel for the respondent-State submitted that in view of the stand taken by the petitioner in this Court, who is also present in the Court, the search warrants issued by respondent No.1 on the basis of the complaint made by the husband of the petitioner (respondent No.2) are withdrawn and in view of the said stand taken by the petitioner, respondent No.1 will not proceed further with the application filed by respondent No.2 under Section 97 of the Code.

In view of the aforesaid, this petition has become infructuous and the same is dismissed as such.

November 6, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE

Crl.Misc.No.68775 of 2006
in Crl.Misc.No.59804-M of 2006

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Present: Mr. K.S.Saini, Advocate,
for the applicant-petitioner.

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Counsel for the applicant-petitioner states that he may be permitted to withdraw this application with liberty to the petitioner to avail her other remedies under the law.

Dismissed as withdrawn with the aforesaid liberty.

November 6, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE